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IDENTICAL LETTERS DATED 2 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 2 July 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the aggressive and provocative violations of Iraq's airspace by United States and British aircraft, in flagrant contravention of the Charter of the United Nations and international law, and the attack made on 30 June 1998 by a United States aircraft on a group of water-storage tanks in the province of Basra in southern Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Identical letters dated 2 July 1998 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General and to the President of the Security Council

I should like to inform you that United States and British armed forces continue to carry out acts of aggression against the integrity of Iraq's territory and airspace, in flagrant violation of the provisions of the Charter of the United Nations and the principles of international law.

At 0930 hours Baghdad time on 30 June 1998, United States aircraft, accompanied by British aircraft, launched a missile against a group of water-storage tanks located at Yab'ad, 12 kilometres to the north of the town of Umm Qasr, which lies to the south of Basra province. This was done despite the fact that the area in question is inside the demilitarized zone between Iraq and Kuwait, where there are no military units. Contrary to claims made by the Pentagon and in statements by United States officials, no air defence unit in any part of Basra province was transmitting electronic signals at that time.

The actions of the United States aircraft constitute a clear act of aggression and the use of armed force against the sovereignty, territorial integrity and political independence of Iraq. Moreover, by continuing to carry out provocative overflights of Iraq's airspace, these aircraft are committing clear acts of aggression that have no legitimacy or justification in law. As you know perfectly well, the imposition of two no-fly zones over northern and southern Iraq was the result of a unilateral decision taken by the United States of America for its own political ends. The decision has nothing to do with the United Nations or with the relevant Security Council resolutions, all of which affirm the importance of Iraq's sovereignty, territorial integrity and political independence.

Neither the Government of the United States nor any other body has a mandate to use force against Iraq. This is confirmed by the provisions of the permanent ceasefire as set forth in Security Council resolution 687 (1991). The provisions of that resolution clearly require a complete cessation of acts of military aggression. There are no other Security Council resolutions which authorize any State to carry out acts of aggression of this kind.

The imposition of the no-fly zones represents a flagrant violation of international law, the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations. It represents a flagrant act of aggression against Iraq for the following reasons:

(a) The imposition of the no-fly zones constitutes the use of armed force against Iraq's sovereignty, territorial integrity and political independence.

(b) Neither the Government of the United States nor any other entity is authorized by the body responsible for the maintenance of international peace and security - that is the Security Council - to take these unilateral measures

against Iraq. Indeed, the United States Government has been unable to offer any legal justification for these zones and for the use of military force against Iraq's territorial unity and integrity, nor has it said which body authorized it to monitor the implementation of Security Council resolution 688 (1991) in southern Iraq and to play the role of human-rights monitor in Iraq.

(c) These facts clearly show that the imposition of the two no-fly zones is a unilateral decision, which has nothing to do with the United Nations and its resolutions. This was confirmed by the official spokesman for the Secretary-General (Joe Sills) on 7 January 1993, when he said that the imposition of the no-fly zones in northern and southern Iraq was not based on any Security Council resolution.

(d) The United States and British Governments assert that the imposition of the no-fly zones in northern and southern Iraq is in keeping with Security Council resolution 688 (1991). This interpretation is not supported by the text itself. Nor can it be supported by reference to Chapter VII of the Charter of the United Nations, which is the only chapter under which force may be used by the United Nations or by an entity specifically authorized to act on its behalf. It contains no provision for the imposition of a no-fly zone in Iraq's airspace.

(e) In the light of the provisions of the permanent ceasefire as reflected in resolution 687 (1991), neither the United States Government nor any other entity has the right to use force against Iraq. The provisions of this resolution imply that all acts of military aggression shall totally cease and that any renewal of military action must be carried out through the Security Council and must be subject to specific authorization by that body.

(f) The United States Government's reliance on resolution 688 (1991) as justification for the imposition of the no-fly zones contradicts the provisions of that resolution. The second preambular paragraph of the resolution refers to Article 2, paragraph 7, of the Charter of the United Nations, which declares that the United Nations is not authorized to intervene in matters within the domestic jurisdiction of any State. The seventh preambular paragraph of resolution 688 clearly reaffirms the commitment of all Member States to respect the sovereignty, territorial integrity and political independence of Iraq.

This act of aggression against the province of Basra on 30 June 1998 is part of a recent escalation campaign by the United States against Iraq and its people and clearly demonstrates the United States' desire to create a situation of tension and to mislead world public opinion, perhaps in order to pave the way for a new round of American military aggression against Iraq. All this is an attempt to maintain the sanctions imposed on the people of Iraq, sanctions which have been in place for eight years now, in violation of the most basic international humanitarian standards and agreements.

The Government of the Republic of Iraq demands that the Security Council assume the responsibilities conferred on it by the Charter of the United Nations for the maintenance of international peace and security, and take resolute action to put a stop to these acts of military aggression, which threaten international peace and security in the area. The Government of the Republic of Iraq calls upon the United States to desist forthwith from these acts of

aggression inside Iraqi territory. The United States bears full international responsibility for this aggression and for any consequences that may ensue, whatever pretexts it cites in justification.

In accordance with international law, the Government of the Republic of Iraq reserves the legitimate right to define an appropriate response to these repressive acts of military aggression and to demand compensation for damage arising from the United States' repeated acts of aggression and violations of Iraq's territory and airspace, including damage inflicted upon Iraq's civilian population.

The Government of the Republic of Iraq demands that the Security Council put a stop to these acts of military aggression against Iraq by the United States Government since they constitute a serious threat to Iraq's sovereignty, national security and territorial integrity.

I should be grateful if you would ensure that this letter is circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs of Iraq